

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-FIFTH DAY (CONTINUED) — THURSDAY, MARCH 30, 1995

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 108).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Nixon.

The invocation was offered by Phil Ware, minister, Westover Hills Church of Christ, Austin, as follows:

Lord God, Ruler of Heaven and Earth, Lord of lords and King of kings, we come before you this hour to ask your blessing upon this house, this day.

May the work done here bring blessing to the people of this great state and reflect your desire that they might live in peace and security. May the discussions made, decisions reached, and laws passed here be done so from honorable hearts.

We give you thanks for our freedom and for those who purchased it so that we might be a people of laws and justice. We thank you for the people represented here with their hopes and dreams, needs and concerns. We thank you for those willing to serve our state, her people, and her future.

We ask, O God, that your grace, presence, and guidance be real in this place today. In the name of Jesus Christ we pray. Amen.

## **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Nixon on motion of Heflin.

**CAPITOL PHYSICIAN**

Speaker Laney presented Dr. Benjamin Young of Waco as the "Doctor for the Day."

The house welcomed Dr. Young and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker pro tempore in the chair)

**MESSAGE FROM THE SENATE**

Austin, Texas, March 30, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**SB 121** by Harris, Chris, relating to voluntary establishment of paternity.

**SB 204** by Nelson, relating to exemption from jury service for employees of certain law enforcement agencies.

**SB 349** by Brown, relating to the payment of a fee to a court clerk in certain criminal cases and a fee for certification by the county clerk.

**SB 540** by Zaffirini, relating to the rights of pregnant municipal and county employees.

**SB 579** by Wentworth, et al., relating to exempt civil service positions in certain sheriff's departments.

**SB 606** by Zaffirini, relating to the detection and prevention of osteoporosis.

**SB 702** by Truan, relating to residential fire protection sprinkler systems and to an insurance premium discount for the use of such a system.

**SB 965** by Truan, relating to hospital staff membership and privileges for physicians, podiatrists, and dentists.

Respectfully,  
Betty King  
Secretary of the Senate

**HR 350 - ADOPTED**

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 350**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Staples,

**HR 350**, Designating March 30, 1995, as Jacksonville Day.

The resolution was read and was adopted without objection.

**HCR 152 - ADOPTED**

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HCR 152**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Junell,

**HCR 152**, Honoring the Texas Economic Development Council.

The resolution was read and was adopted without objection.

**HR 516 - ADOPTED**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 516**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Berlanga, et al.,

**HR 516**, Paying tribute to the work of Cesar Chavez.

The resolution was adopted without objection.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 516** as signers thereof.

**HR 517 - ADOPTED**

Representative Hawley moved to suspend all necessary rules to take up and consider at this time **HR 517**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Hawley,

**HR 517**, Designating the city of George West the Storyfest Capital of Texas.

The resolution was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 517** as signers thereof.

**HR 478 - ADOPTED**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 478**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Thompson,

**HR 478**, Honoring Burta Rhoads Raborn on the occasion of her 60th birthday.

The resolution was adopted without objection.

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The chair laid before the house the following memorial resolutions:

**HCR 140** was withdrawn.

By Grusendorf,

**HR 426**, In memory of Arlington police officer Craig Michael Hanking.

By Davis,

**HR 436**, In memory of Claude McCain, Jr.

By G. Lewis,

**HR 440**, In memory of Richard D. Hill, Jr.

By Gutierrez,

**HR 446**, In memory of McAllen police officer Reynaldo Lopez.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following congratulatory resolutions:

By Telford,

**HCR 138**, Commending Dr. John F. Moss for his service as president of East Texas State University at Texarkana.

By Patterson,

**HCR 141**, Designating May 18, 1995, as Think Child Safety Day at the Capitol.

By Howard, et al.,

**HR 402**, Congratulating Courtney Culver on winning the 1995 Miss Teenage Texas Pageant.

By H. Cuellar,

**HR 404**, Recognizing the accomplishments of the Martin High School Mariachi Los Tigres del Sur.

**HR 405** was read at the end of the congratulatory portion of the calendar.

By B. Hunter,

**HR 412**, Honoring Roberta Watters on the occasion of her retirement.

By H. Cuellar,

**HR 413**, Commending Luis de la Garza for his service to the Border Olympics.

By Oakley,

**HR 423**, Designating April 3, 1995, as Kaufman County Day.

By Black,

**HR 425**, Commending Raymond Smith for his contributions to his community.

By Solis,

**HR 430**, Commending the La Feria Parental Awareness League.

By Dear,

**HR 433**, Designating March 27, 1995, as Osteopathic Medicine Day at the Capitol.

**HR 434** was read at the end of the congratulatory portion of the calendar.

By Eiland,

**HR 435**, Honoring the Friendswood High School academic decathlon team.

By Davis,

**HR 437**, Congratulating the Reverend Manuel L. Scott, Sr. on his years of service to St. John Missionary Baptist Church.

By Davis,

**HR 438**, Commending Lois Evans for her contributions to her community.

By Gutierrez,

**HR 444**, Commending the Nomad Shrine Club.

By Gutierrez,

**HR 445**, Commending Demetrio Ochoa for his service to his country.

By Gutierrez,

**HR 447**, Congratulating Travis Middle School for being designated as a state Blue Ribbon Award winner.

By Greenberg and Naishtat,

**HR 448**, Commending the Reverend Ralph M. Smith.

By Munoz,

**HR 450**, Commending U.S. Customs Officer Stephen Jenkins for his remarkable act of heroism.

By Conley,

**HR 452**, Honoring Dick Gregory.

By Park,

**HR 458**, Congratulating Josephine Habeeb Ferris on her 80th birthday.

By Zbranek,

**HR 461**, Congratulating the Silsbee High School girls' basketball team.

The resolutions were adopted without objection.

The chair laid before the house the following resolution:

By Davis,

**HR 405**, Commending Grady W. Smithey, Jr., for his service to the residents of southwest Dallas County.

The resolution was read and was adopted without objection.

The chair laid before the house the following resolution:

By Dear,

**HR 434**, Congratulating Bob and Katherine Wilson on their 50th wedding anniversary.

The resolution was read and was adopted without objection.

On motion of Representative Finnell, the names of all the members of the house were added to **HR 434** as signers thereof.

### **HR 515 - ADOPTED**

Representative H. Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 515**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By H. Cuellar,

**HR 515**, Honoring the 1995 inductees of the Laredo Women's Hall of Fame.

The resolution was adopted without objection.

### **INTRODUCTION OF GUEST**

The chair recognized Representative Denny, who introduced Marcia Saunders, president of the Texas Federation of Republican Women.

**HR 351**, commending the Texas Federation of Republican Women, having been previously adopted, was read.

### **CONSENT BILLS CALENDAR ON SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

**SB 165** (Hudson and Davis - House Sponsors), A bill to be entitled An Act relating to a certification of willingness not to appear and plead as an attorney in court by certain retired and former judges.

**SB 304** (Kubiak - House Sponsor), A bill to be entitled An Act relating to the designation of certain highways as the Presidential Corridor.

**SB 318** (Kubiak - House Sponsor), A bill to be entitled An Act relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

**SB 387** (Kubiak - House Sponsor), A bill to be entitled An Act relating to authorizing certain counties to maintain a branch courthouse outside the county seat and permitting certain governmental entities to conduct certain functions at that facility.

**SB 446** (Hernandez - House Sponsor), A bill to be entitled An Act relating to the courses required in a degree program operated by a higher education medical and dental unit under contract with the United States Army.

### RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

**SCR 1** (Black - House Sponsor), Authorizing the erection of a monument in the State Cemetery in memory of Captain John J. Grumbles.

The resolution was adopted without objection.

**SCR 25** (Johnson - House Sponsor), Relating to the purchase of certain real property by Stephen F. Austin State University.

The resolution was adopted without objection.

**SCR 26** (Hilbert - House Sponsor), Declaring that polka music is the most preserved music in Texas and recognizing the contributions of the Polka Lovers Klub of America.

The resolution was adopted without objection.

### LOCAL BILLS CALENDAR ON SECOND READING

The following bills were on the local bills calendar for today:

**HB 1234** was withdrawn.

**HB 1236** was withdrawn.

**HB 1493** was withdrawn.

### CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

**CSHB 114**, A bill to be entitled An Act relating to the testing and remedial education of certain students enrolling in public institutions of higher education.

**HB 201** was withdrawn.

**HB 320**, A bill to be entitled An Act relating to excluding land from the New Caney Municipal Utility District.

**HB 335**, A bill to be entitled An Act relating to the period for filing a petition for a place on the ballot for the board of directors of the Sweeny Hospital District.

**HB 338**, A bill to be entitled An Act relating to the authority of the Stamford Hospital District to borrow money.

**HB 356**, A bill to be entitled An Act relating to auxiliary members of an appraisal review board and to the removal of board members.

**HB 432**, A bill to be entitled An Act relating to the membership of the board of directors of the La Porte Area Water Authority.

**HB 457**, A bill to be entitled An Act relating to the exemption of certain miniature boilers from registration and certification requirements.

**HB 462**, A bill to be entitled An Act relating to the application of the sales and use tax to food products sold to prison inmates.

**HB 596**, A bill to be entitled An Act relating to exempting sales by university and college student organizations from the state sales tax.

**HB 623**, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of property that is located in more than one appraisal district.

**HB 724**, A bill to be entitled An Act relating to the rights, powers, privileges, authority, functions, and duties of the Brown County Water Improvement District No. 1.

**HB 750**, A bill to be entitled An Act relating to the prohibition of certain disbursements from a county fund to a person with an outstanding debt to the state or the county.

**HB 751**, A bill to be entitled An Act relating to the auditing of county jails.

**HB 846**, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Garza County Underground and Fresh Water Conservation District.

**HB 921**, A bill to be entitled An Act relating to approval of bonds issued by a conservation and reclamation district.

**CSHB 958**, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

**HB 1027**, A bill to be entitled An Act relating to certain eligibility conditions for receipt of unemployment compensation benefits.

**HB 1235**, A bill to be entitled An Act relating to special judges elected by the practicing lawyers of the statutory probate courts in Dallas County.

**HB 1250**, A bill to be entitled An Act relating to training for members of the governing boards of public institutions of higher education.

**HB 1294**, A bill to be entitled An Act relating to the duties of a clerk of a justice court.

**HB 1298**, A bill to be entitled An Act relating to access to criminal history record information by the banking commissioner.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Marchant, Representative Carona offered the following committee amendment to the bill:

Amend **HB 1298** on page 1 by striking line 20.

Amendment No. 1 was adopted without objection.

**CSHB 1304**, A bill to be entitled An Act relating to the management of petty cash in counties with a population greater than 2,000,000.



**HB 1336**, A bill to be entitled An Act relating to authorizing public junior colleges to offer courses for joint high school and junior college credit.

**HB 1434**, A bill to be entitled An Act relating to the claiming of the exemption from ad valorem taxation provided for certain property of a medical center development.

**HB 1465**, A bill to be entitled An Act relating to the authority of the governing bodies of certain public institutions of higher education to close streets or alleys running through the campuses of those institutions.

**CSHB 1480**, A bill to be entitled An Act relating to the contribution of funds to a soil and water conservation district.

**HB 1523**, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 156th Judicial District.

**HB 1552**, A bill to be entitled An Act relating to the assignment and docketing of certain cases by the district clerk of Webb County.

**CSHB 1564**, A bill to be entitled An Act relating to the attorney general's review of bonds issued by political subdivisions of this state.

**HB 1583**, A bill to be entitled An Act relating to taxation of certain lawn services.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Horn, Representative Rusling offered the following committee amendment to the bill:

Amend **HB 1583**:

in line 19 of page 1 delete the ";" and substitute "and"

in line 20 of page 1 delete (3)(B)

in line 21 of page 1 delete "(C)" and substitute "(B)"

in line 23 of page 1 delete "\$5,000" and substitute "10,000"

Amendment No. 1 was adopted without objection.

**HB 1664**, A bill to be entitled An Act relating to notice of a meeting of the governing board of an institution of higher education.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Gallego, Representative Horn offered the following committee amendment to the bill:

Amend **HB 1664** as follows:

On page 1, line 12, strike "may" and substitute "shall".

Amendment No. 1 was adopted without objection.

**HB 1737**, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 259th Judicial District.

**HB 1740** was withdrawn.

**HB 1897**, A bill to be entitled An Act relating to the juvenile board of Bexar County.

**HB 1907**, A bill to be entitled An Act relating to depositories for county public funds, trust funds, and court registry funds.

**HB 1968**, A bill to be entitled An Act relating to the representative of industrial energy consumers on the Texas Energy Coordination Council.

**HB 2028**, A bill to be entitled An Act relating to the conduct of masters appointed to preside over certain mental health hearings.

**CSHB 2049**, A bill to be entitled An Act relating to the assessment of civil penalties by the Gulf Coast Waste Disposal Authority.

**HB 2050**, A bill to be entitled An Act relating to the compensation of the directors of the Gulf Coast Waste Disposal Authority.

**HB 2096** was withdrawn.

**HB 2256**, A bill to be entitled An Act relating to viatical settlements.

**HB 3168**, A bill to be entitled An Act relating to certain jury panels in Webb County.

### RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Kubiak,

**HR 11**, Designating Milam County as the wild dewberry capital of the State of Texas.

The resolution was adopted without objection.

By Kubiak,

**HR 12**, Designating the Texas State Noodle Cookoff in Giddings as the official noodle cook-off of the State of Texas.

The resolution was adopted without objection.

By Kubiak,

**HR 13**, Designating Texas Ladies Aside as the official Equestrian Drill Team of Texas.

The resolution was adopted without objection.

By Yost,

**HCR 31**, Proclaiming Gladewater as the Antique Capital of East Texas.

The resolution was adopted without objection.

By Hilderbran,

**HCR 69**, Designating the Texas State Arts and Crafts Fair in Kerrville as the official arts and crafts fair of Texas.

The resolution was adopted without objection.

By B. Hunter,

**HCR 92**, Establishing the Governor's Awards for Excellence in the Arts, Humanities, and Sciences.

The resolution was adopted without objection.

By Thompson, Gutierrez, Puente, Solis, and H. Cuellar,

**HCR 105**, Declaring the jalapeno pepper the official State Pepper of Texas.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative B. Hunter offered the following committee amendment to the resolution:

Amend **HCR 105** as follows:

(1) On page 1, line 17, strike "denizens" and insert "citizens".

Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

**HB 1493 - OBJECTIONS WITHDRAWN**

**HB 1493** was previously withdrawn from the local bills calendar.

Objections to **HB 1493** were withdrawn.

**HB 1493**, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Hemphill County Underground Water Conservation District.

**HB 1493** was read second time and passed to engrossment.

**INTRODUCTION OF GUEST**

The chair recognized Representative Krusee, who introduced the Honorable Daphne Greenwood, house member from Colorado.

**ADJOURNMENT**

Representative Kuempel moved that the house adjourn until 10:45 a.m.

The motion prevailed without objection.

The house accordingly, at 10:38 a.m., adjourned until 10:45 a.m.

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